

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|  |   |                                |
|--|---|--------------------------------|
| <b>MARILYN A. CHURCH,</b>                          | ) | <b>CASE NO. 4:06CV00291</b>    |
|  | ) |                                |
| <b>PLAINTIFF,</b>                                  | ) | <b>JUDGE PETER C. ECONOMUS</b> |
|  | ) |                                |
| <b>V.</b>  | ) |                                |
|  | ) |                                |
| <b>UNUM LIFE INSURANCE<br/>COMPANY OF AMERICA,</b> | ) | <b>NOTICE AND ORDER</b>        |
|  | ) |                                |
| <b>DEFENDANT.</b>                                  | ) |                                |

Plaintiff initially filed this action in the Court of Common Pleas, Trumbull County, Ohio. On February 6, 2006, Defendant filed a Notice of Removal pursuant to 28 U.S.C. § 1446, invoking this Court's diversity jurisdiction based on 28 U.S.C. § 1332. The Court, *sua sponte*, raised the issue of subject matter jurisdiction at the Case Management Conference held on April 6, 2006. On that same date, the Court issued an order directing Defendant to show cause on or before May 8, 2006 as to why this case should not be remanded for lack of subject matter jurisdiction. (Dkt. # 11). Defendant filed a motion for extension of time on May 8, 2006. (Dkt. # 12). On May 9, 2006, this Court granted Defendant's motion for an extension of time until May 29, 2006 to respond to the Court's order to show cause. (Dkt. # 13).

Defendant has failed to respond to this Court's order to show cause. Further, the Court has repeatedly contacted counsel as to the status of this case to no avail. Therefore, this Court hereby gives **NOTICE** to counsel that this case will be remanded on **Wednesday, August 23, 2006** to the Court of Common Pleas, Trumbull County, Ohio.

**IT IS SO ORDERED.**

**/s/Peter C. Economus – August 9, 2006**  
**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**